

**U.S. District Court
Eastern District of Virginia – (Alexandria)
CIVIL DOCKET FOR CASE #: 1:23-cv-01083-PTG-WBP**

SoundExchange, Inc. v. Sirius XM Radio Inc.
Assigned to: District Judge Patricia Tolliver Giles
Referred to: US Magistrate Judge William B. Porter
Cause: 17:101 Copyright Infringement

Date Filed: 08/16/2023
Jury Demand: Plaintiff
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

SoundExchange, Inc.

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Defendant

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Date Filed	#	Docket Text
08/16/2023	<u>I 1</u>	Complaint (Filing fee \$ 402, receipt number AVAEDC-9078986.), filed by SoundExchange, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet)(Zebrak, Scott) (Entered: 08/16/2023)
08/16/2023	<u>I 2</u>	Corporate Disclosure Statement by SoundExchange, Inc.. (Zebrak, Scott) (Entered: 08/16/2023)
08/16/2023	<u>I 3</u>	Proposed Summons by SoundExchange, Inc.. (Zebrak, Scott) (Entered: 08/16/2023)
08/16/2023	<u>I 4</u>	Motion to appear Pro Hac Vice by Jeff Kane and Certification of Local Counsel Scott A. Zebrak Filing fee \$ 75, receipt number AVAEDC-9080135. by SoundExchange, Inc.. (Zebrak, Scott) (Entered: 08/16/2023)
08/16/2023	<u>I 5</u>	Motion to appear Pro Hac Vice by Corey Miller and Certification of Local Counsel Scott A. Zebrak Filing fee \$ 75, receipt number AVAEDC-9080179. by SoundExchange, Inc.. (Zebrak, Scott) (Entered: 08/16/2023)

08/16/2023	<u>I</u>	Initial Case Assignment to District Judge Patricia Tolliver Giles and Magistrate Judge John F. Anderson. (swil) (Entered: 08/18/2023)
08/18/2023	<u>I 6</u>	Summons Issued as to Sirius XM Radio Inc., NOTICE TO ATTORNEY: Please remove the headers and print two duplexed copies of the electronically issued summons for each Defendant. Please serve one copy of the summons and a copy of the Complaint upon each Defendant. Please ensure that your process server returns the service copy (executed or unexecuted) to your attention and electronically file it using the filing events, Summons Returned Executed or Summons Returned Unexecuted. (Attachments: # <u>1</u> Summons Notice)(swil) (Entered: 08/18/2023)
08/18/2023	<u>I</u>	Notice of Correction re <u>1</u> Complaint. The filing user has been notified to file an AO121 Report on the Filing or Determination of an Action or Appeal Regarding a Copyright form (swil) (Entered: 08/18/2023)
08/18/2023	<u>I 7</u>	NOTICE by SoundExchange, Inc. <i>Report on the Filing or Determination of an Action or Appeal Regarding a Copyright</i> (Zebrak, Scott) (Entered: 08/18/2023)
08/21/2023	<u>I 8</u>	ORDER granting <u>4</u> Motion for Pro hac vice Appointed Jeffrey Walter Kane for SoundExchange, Inc. Signed by District Judge Patricia Tolliver Giles on 8/21/2023. (swil) (Entered: 08/21/2023)
08/21/2023	<u>I 9</u>	ORDER granting <u>5</u> Motion for Pro hac vice Appointed Corey Michael Sclar Miller for SoundExchange, Inc. Signed by District Judge Patricia Tolliver Giles on 8/21/2023. (swil) (Entered: 08/21/2023)
08/22/2023	<u>I 10</u>	Report on the Filing or Determination of an Action or Appeal Regarding a Copyright filed. (c/s to Copyright Office) (jlan) (Entered: 08/22/2023)
08/22/2023	<u>I 11</u>	WAIVER OF SERVICE Returned Executed by SoundExchange, Inc.. Sirius XM Radio Inc. waiver sent on 8/21/2023, answer due 10/20/2023. (Zebrak, Scott) (Entered: 08/22/2023)
09/21/2023	<u>I 12</u>	NOTICE of Appearance by Craig Crandall Reilly on behalf of Sirius XM Radio Inc. (Reilly, Craig) (Entered: 09/21/2023)
09/21/2023	<u>I 13</u>	Corporate Disclosure Statement by Sirius XM Radio Inc.. (Reilly, Craig) (Entered: 09/21/2023)
09/21/2023	<u>I 14</u>	Motion to appear Pro Hac Vice by Todd Larson and Certification of Local Counsel Craig C. Reilly Filing fee \$ 75, receipt number AVAEDC-9136594. by Sirius XM Radio Inc.. (Reilly, Craig) (Entered: 09/21/2023)
09/21/2023	<u>I 15</u>	Motion to appear Pro Hac Vice by Andrew Santos Tulumello and Certification of Local Counsel Craig C. Reilly Filing fee \$ 75, receipt number AVAEDC-9136609. by Sirius XM Radio Inc.. (Reilly, Craig) (Entered: 09/21/2023)
09/22/2023	<u>I 16</u>	MOTION to Dismiss for Lack of Jurisdiction by Sirius XM Radio Inc.. (Attachments: # <u>1</u> Proposed Order)(Reilly, Craig) (Entered: 09/22/2023)
09/22/2023	<u>I 17</u>	Memorandum in Support re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by Sirius XM Radio Inc.. (Reilly, Craig) (Entered: 09/22/2023)
09/22/2023	<u>I 18</u>	Declaration re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction , <u>17</u> Memorandum in Support by Sirius XM Radio Inc.. (Reilly, Craig) (Entered: 09/22/2023)
09/24/2023	<u>I</u>	Notice of Correction re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction . Unfortunately, the Motion was filed without a Notice of Hearing Date. The filing user has been notified to file a Notice of Hearing Date, or a Notice of Waiver of Oral Argument. (Dest) (Entered: 09/24/2023)
09/24/2023	<u>I 19</u>	Notice of Hearing Date set for October 19, 2023 re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction (Reilly, Craig) (Entered: 09/24/2023)

09/25/2023	<u>20</u>	ORDER granting <u>14</u> Motion for Pro hac vice Appointed Todd Larson for Sirius XM Radio Inc. Signed by District Judge Patricia Tolliver Giles on 9/25/2023. (swil) (Entered: 09/25/2023)
09/25/2023	<u>21</u>	ORDER granting <u>15</u> Motion for Pro hac vice Appointed Andrew Santos Tulumello for Sirius XM Radio Inc. Signed by District Judge Patricia Tolliver Giles on 9/25/2023. (swil) (Entered: 09/25/2023)
09/26/2023	<u>22</u>	Set Deadline as to <u>16</u> MOTION to Dismiss for Lack of Jurisdiction. Motion Hearing set for 10/19/2023 at 10:00 AM in Alexandria Courtroom 601 before District Judge Patricia Tolliver Giles. (wgar,) (Entered: 09/26/2023)
09/26/2023	<u>23</u>	Reset Deadline as to <u>16</u> MOTION to Dismiss for Lack of Jurisdiction. Motion Hearing set for 10/26/2023 at 10:00 AM in Alexandria Courtroom 801 before District Judge Patricia Tolliver Giles. (PER PTG CHAMBERS) (pmil,) (Entered: 09/26/2023)
09/26/2023	<u>24</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION to Dismiss for Lack of Jurisdiction by SoundExchange, Inc.. (Attachments: # <u>1</u> Proposed Order)(Zebrak, Scott) (Entered: 09/26/2023)
09/26/2023	<u>25</u>	ORDER that the Court GRANTS Pltf's <u>22</u> Consent Motion for Extension of Time to Oppose Deft's <u>16</u> MOTION to Dismiss for Lack of Jurisdiction and sets the following deadlines for Deft Sirius XM Radio Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue or, in the Alternative to Transfer Venue: Deadline for Pltf's Opposition: 10/13/23; Deadline for Deft's Reply: 10/19/23; Hearing (as previously scheduled): 10/26/23. Signed by District Judge Patricia Tolliver Giles on 09/26/23. (pmil,) (Entered: 09/26/2023)
10/13/2023	<u>26</u>	Opposition to <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by SoundExchange, Inc.. (Attachments: # <u>1</u> Exhibit 1 – Declaration of Brad Prendergast, # <u>2</u> Exhibit 2 – Declaration of Attorney Jeff Kane)(Zebrak, Scott) (Entered: 10/13/2023)
10/19/2023	<u>27</u>	REPLY to Response to Motion re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by Sirius XM Radio Inc.. (Reilly, Craig) (Entered: 10/19/2023)
10/24/2023	<u>28</u>	Motion to appear Pro Hac Vice by Crystal L. Weeks and Certification of Local Counsel Craig C. Reilly Filing fee \$ 75, receipt number AVAEDC-9186385. by Sirius XM Radio Inc.. (Reilly, Craig) (Entered: 10/24/2023)
10/25/2023	<u>29</u>	ORDER granting <u>26</u> Motion for Pro hac vice Appointed Crystal Little Weeks for Sirius XM Radio Inc. Signed by District Judge Patricia Tolliver Giles on 10/25/2023. (swil) (Entered: 10/25/2023)
10/26/2023	<u>30</u>	Minute Entry for proceedings held before District Judge Patricia Tolliver Giles: Motion Hearing held on 10/26/2023. Appearances of Counsel for Plaintiff and Counsel for Defendant. RE: <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by Sirius XM Radio Inc. – MATTER ARGUED AND TAKEN UNDER ADVISEMENT – WRITTEN OPINION/ORDER TO FOLLOW. Court Reporter: T. Harris(pmil,) (Entered: 10/26/2023)
11/03/2023	<u>31</u>	TRANSCRIPT of proceedings held on 10/26/2023, before Judge P. Giles, Court Reporter/Transcriber Tonia Harris, Telephone number 703-646-1438. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 12/4/2023. Redacted Transcript

Deadline set for 1/3/2024. Release of Transcript Restriction set for 2/1/2024.(harris, tonia)
(Entered: 11/03/2023)

02/13/2024	<u>I</u>	Case Reassigned to US Magistrate Judge William B Porter. Magistrate Judge John F. Anderson no longer assigned to the case. (jlan) (Entered: 02/13/2024)
04/29/2024	<u>I</u> <u>30</u>	MOTION for Leave to File <i>a Notice of Supplemental Authority</i> by SoundExchange, Inc.. (Attachments: # <u>1</u> Plaintiff's Proposed Notice of Supplemental Authority, # <u>2</u> Proposed Order)(Zebrak, Scott) (Entered: 04/29/2024)
04/29/2024	<u>I</u> <u>31</u>	Waiver of <i>Oral Argument on Plaintiff's Mot. for Leave to File Notice of Supplemental Authority (ECF 30)</i> by SoundExchange, Inc. (Zebrak, Scott) (Entered: 04/29/2024)
05/01/2024	<u>I</u> <u>32</u>	RESPONSE in Opposition re <u>30</u> MOTION for Leave to File <i>a Notice of Supplemental Authority</i> filed by Sirius XM Radio Inc.. (Reilly, Craig) (Entered: 05/01/2024)
07/15/2024	<u>I</u> <u>33</u>	MEMORANDUM OPINION and ORDER that Defendant's Motion (Dkt. 16) is DENIED IN PART and GRANTED IN PART (See Order for further details). Signed by District Judge Patricia Tolliver Giles on 7/15/2024. (Sbro,) (Entered: 07/15/2024)